

Notice of Allowability	Application No.	Applicant(s)	
	10/039,941	CANTWELL, CHARLES ERIC	
	Examiner	Art Unit	
	Cheukfan Lee	2625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to an amendment filed July 3, 2006.
2. ☒ The allowed claim(s) is/are 1-15, 18, and 20-39, now renumbered 1-36, respectively.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|---|
| <ol style="list-style-type: none"> 1. <input type="checkbox"/> Notice of References Cited (PTO-892) 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | <ol style="list-style-type: none"> 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____ 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance 9. <input type="checkbox"/> Other _____ |
|---|---|


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1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. John S. Reid on July 18, 2006.

2. **Please amend the claim(s) as follows:**

In claim 4, line 3, changed "in the." to – in the second direction --.

3. All pending claims 1-15, 18, and 20-39 are allowed. Claims 1, 18, 20-22, 27, 31, and 35 are independent.

4. The following is an examiner's statement of reasons for allowance:

Claims 1 and 31 have been amended to overcome the art rejection set forth in the previous Office Action dated June 14, 2006. Specifically, claims 1 and 31 have been amended such that the document positioning device is configured to move a document in a first direction, and in a second direction which is orthogonal to the first direction, the limitation of claim 4 (in slightly varying language), which was indicated allowable if rewritten in independent form. Applicant admitted prior art (Figs. 1 and 2) does not teach this feature of the document positioning device, in combination with

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other limitations of claim 1 or claim 31. The reason for allowance for claim 4, now canceled, given in the previous Office Action is still valid after the updated search.

Claims 2-15 depend on claim 1, and claims 32-34 depend on claim 31

Claims 18, 20-30, and 35-39 were allowed in the previous Office Action dated June 14, 2006. The reasons for allowance are still valid after the updated search. The reasons are repeated below.

Claim 18 is allowable over the prior art of record because the prior art, including Leou (5,923,445), does not teach a document positioning program that is configured to cause a processor to actuate a document positioning device when a document edge detector does not detect the edge of a document.

Claims 20 is allowable because the closest prior art Leou (5,923,445) does not teach that the inherently process (see Office Action dated September 22, 2005) to actuate the document positioning device (Fig. 3) to move portions of the document which exceed the platen width and the platen length over the platen. Leou's platen (144) is a large platen (Fig. 2). However, Leou does not disclose moving portions of the document over the platen. Instead, the platen (144) having the large document thereon is moved.

Claim 21 is allowable because the closest prior art Leo (5,923,445) does not disclose that the document positioning device (Fig. 3) selectively moves that document in a first direction and in a second direction orthogonal to the first direction. Leou's document positioning device moves the platen only in the two opposite directions.

Claim 22 and its dependent claims 23-36 are allowable because the closest prior art Leou does not disclose automatically moving the document in a first direction so that the second portion of the document is placed over the platen, and optically scanning the second portion of the document by moving the optical scanning device past the second portion of the document, in a method of scanning an oversized document. Leou discloses moving or repositioning the platen (144) having the large document placed thereon.

Claim 27 and its dependent claims 28-30 are allowable because, similar to the reason for allowance given for claim 3, Applicant's prior art does not include a plurality of driven balls in the base unit, as claimed in claim 27.

Claims 32 and 33 would be allowable because Applicant's prior art, alone or in combination with other prior art of record, does not teach that the edge detecting sensors are positioned proximate the edges of the platen, the platen defined by edges and supported by the base unit, as claimed in claim 32, or that the document positioning

device comprises an actuator that is actuated by the processor in response to a signal transmitted to the processor by an edge detector sensor.

Claim 34 depends on claim 33.

Claim 35 and its dependent claims 36-39 are allowable because Applicant's prior art does not disclose that the cylindrical powered roller(s) (26 in Fig. 2) are in the base unit (30). Rather, the rollers (26) are in or underneath the cover (12).

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cheukfan Lee whose telephone number is (571) 272-7407. The examiner can normally be reached on 9:30 a.m. to 6:00 p.m., Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward L. Coles can be reached on (571) 272-7402. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Cheukfan Lee
July 19, 2006



Cheukfan Lee